GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Public Services – Agriculture & Cooperation Department – ACB (Trap) Case - Smt.Mohammed Nilofar, the then Junior Assistant/A3 Clerk, O/o Joint Director of Agriculture, Machilipatnam, Krishna District – Allegation of dereliction of duties - Initiation of Departmental action under A.P. Civil Services (CC&A) Rules, 1991 - Articles of Charge – Orders - Issued.

AGRICULTURE AND CO-OPERATION (VIG.I) DEPARTMENT

G.O.Rt.No. 396 **Dated: 31/05/2023**

Read the following:

1. From the Deputy Superintendent of Police, Anti –Corruption Bureau, Guntur District, I/c Vijayawada Range, Radio Message, dt.24.03.2016 & 28.03.2016.
2. From the Director General, Anti Corruption Bureau, A.P., Vijayawada, Letter Rc.No.39/RCT.VKI/2016-S.9, dt.29.03.2016 & 26.10.2017.
3. Govt.Memo.No.2182/Vig.1/2016, A&C (Vig.I) Dept., dt.27.12.2017 and Reminders dt.05.02.2021, 27.09.2022 & 06.03.2023.
4. From the Director General, Anti-Corruption Bureau, A.P., Vijayawada, Letter Rc.No.39/RCT-VKI/2016-S.9, dt.25.05.2023

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O R D E R:

It is proposed to hold an enquiry against Smt. Mohammed Nilofar, the then Junior Assistant/A3 Clerk, O/o Joint Director of Agriculture, Machilipatnam, Krishna District, in accordance with procedure laid down in Rule 20 of the A.P. Civil Services (CC&A) Rules, 1991.

2. The substance of the imputations of misconduct or mis-behaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of Article of Charges (Annexure-I). Statement of imputation of misconduct or misbehaviour on which action is proposed to be taken against her as Annexure-II, a list of documents by which and a list of witnesses by whom the Article of Charge is proposed to be sustained are also enclosed as Annexure-III and IV.

3. Smt. Mohammed Nilofar, the then Junior Assistant/A3 Clerk, O/o Joint Director of Agriculture, Machilipatnam, Krishna District, is directed to submit a Written Statement of Defense (WSD) within (10) days of the receipt of this order.

4. Smt. Mohammed Nilofar, the then Junior Assistant/A3 Clerk, O/o Joint Director of Agriculture, Machilipatnam, Krishna District, is informed that an inquiry will be held only in respect of those Articles of Charge as are not admitted. She should, therefore, specifically admit or deny each Articles of Charge.

5. Smt. Mohammed Nilofar, the then Junior Assistant/A3 Clerk, O/o Joint Director of Agriculture, Machilipatnam, Krishna District, is further informed that if she does not submit her Written Statement of Defense (WSD) on or before the date specified in para-3 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of A.P. Civil Services (CC&A) Rules, 1991 or the orders/directions issued in pursuance of the said rules, the Inquiry Authority may hold the inquiry against her exparte.

6. Attention of Smt. Mohammed Nilofar, the then Junior Assistant/A3 Clerk, O/o Joint Director of Agriculture, Machilipatnam, Krishna District, is invited to rule 24 of the A.P. Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring any political or outside influence to bear upon any superior authority to further her interest in respect of matters pertaining to her service under the Government. If any representation is received on her behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Smt.Mohammed Nilofar, the then Junior Assistant/A3 Clerk, O/o Joint Director of Agriculture, Machilipatnam, Krishna District, is aware of such a representation and that it has been made at her instance and action will be taken against her for violation of rule 24 of the A.P.Civil Services (Conduct) Rules, 1964.

(P.T.O)

7. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
CHIEF COMMISSIONER, RBKs &
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To:
Smt. Mohammed Nilofar, Junior Assistant/A3 Clerk,
O/o Joint Director of Agriculture, Machilipatnam, Krishna District
(Through the Special Commissioner of Agriculture, A.P., Guntur)

Copy to:
The Special Commissioner of Agriculture, A.P., Guntur.
(With a request to serve the original G.O. on the Charged Officer and obtain her dated acknowledgement on the Xerox copy and furnish the same along with her Written Statement of Defense (WSD) to the Government)
The Director General, ACB, Pandit Nehru Bus Station,
NTR Administrative Block, 2nd Floor, Vijayawada, A.P.
Sf./Sc.

// FORWARDED BY ORDER//

SECTION OFFICER

(Contd. Annexures...)

ANNEXURE - I

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGE ISSUED AGAINST SMT. MOHAMMED NILOFAR, THE THEN JUNIOR ASSISTANT, ESTABLISHMENT SECTION, A3 CLERK, O/o JOINT DIRECTOR OF AGRICULTURE, MACHILIPATNAM, KRISHNA DISTRICT.

Smt. Mohammed Nilofar, the then Junior Assitant, of Establishment Section, A3 Clerk, O/o Joint Director of Agriculture, Machilipatnam, Krishna District. Her date of birth is 18.05.1993. She entered into Government service on 06.04.2013 as Junior Assistant. She worked as Junior Assistant/A3 Clerk, O/o Joint Director of Agriculture, Machilipatnam, Krishna District from 06-04-2013 to 24-07-2019 While working as Junior Assistant/A3 Clerk, she has committed grave misconduct in as much as:

Articles of Charge :

That the Government Servant Smt. Mohammed Nilofar, the then Junior Assistant, of Establishment Section, A3 Clerk, O/o Joint Director of Agriculture, Machilipatnam, kept pending the file of the pending bills of Smt. Rapuri Divya Mani, Office subordinate of the same Office from 08.09.2015 (the date on which the Administrative Officer sent the bills to Government Servant for compliance with certain observations) After keeping that file pending for almost six months, the Government Servant resubmitted that file to Sri S.V.Ranga Rao, Office Superintendent, Establishment Section, O/o Joint Director of Agriculture, Machilipatnam, Krishna District, after compliance of the observations only on 04.03.2016 thus showing negligence of duty and thereby violated Rule 3(1) & (2) of A.P. Civil Services (Conduct) Rules 1964.

Thus, Smt.Mohammed Nilofar, the then Junior Assistant, Establishment Section, A3 Clerk, O/o Joint Director of Agriculture, Machilipatnam, by her above mentioned acts exhibited a lack of devotion to duty, failed to maintain integrity, behaved in a manner unbecoming of a Govt. servant and brought down the prestige of the Government and thereby violated 3 (1) & (2) of APCS (Conduct) Rules, 1964.

Sd/- Gopal Krishna Dwivedi
CHIEF COMMISSIONER, RBKs &
SPECIAL CHIEF SECRETARY TO GOVERNMENT

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SECTION OFFICER

(P.T.O)

ANNEXURE –II

STATEMENT OF ARTICLES OF CHARGE ISSUED AGAINST SMT. MOHAMMED NILOFAR, THE THEN JUNIOR ASSISTANT, ESTABLIMENT SECTION, A3 CLERK, O/o JOINT DIRECTOR OF AGRICULTURE, MACHILIPATNAMA, KRISHNA DISTRICT.

Smt. Mohammed Nilofar, the then Junior Assistant, of Establishment Section, A3 Clerk, O/o Joint Director of Agriculture, Machilipatnam, Krishna District. Her date of birth is 18.05.1993. She entered in Government service 06.04.2013 as Junior Assistant. She worked on Junior Assistant, O/o Joint Director of Agriculture, Machilipatnam, Kristina District from 06-04-2013 to 24-07-2019. She is due to retire on attaining the age of superannuation on 31.05.2055. She is here after referred to as "Government Servant (G.S)".

Articles of Charge:

That, the Government Servant Smt. Mohammed Nilofar, the then Junior Assistant, Establishment Section, A3 Clerk, O/o Joint Director of Agriculture, Machilipatnam, kept pending the file of the pending bills of the complainant Smt.Rapuri Divya Mani, Office Subordinate, O/o Joint Director of Agriculture, Machilipatnam, Krishna District from 08.09.2015 (the date on which the Administrative Officer sent the bills to G.S for compliance with certain observations). After keeping that file pending with G.S for almost six months, G.S resubmitted that file to Sri S.V.Ranga Rao, Office Superintendent, Establishment Section, O/o Joint Director of Agriculture, Machilipatnam, Krishna District after compliance of the observations only on 04.03.2016, thus showing negligence of duty and thereby violated Rule 3(1) & (2) of A.P.C.S. (Conduct) Rules 1964.

Facts and Evidence:

On 24.03.2016 Smt Rapuri Divya Mani, W/o R.D.Victor Paul, 26 years, Office Subordinate, O/o Joint Director of Agriculture, Machilipatnam, Krishna District, came to the office of the DSP, ACB, Vijayawada and presented a written complaint stating that the Government Servant, Sri Sunkara Venkata Ranga Rao, S/o Late Ramana Rao, 48 years, Office superintendent, Establishment Section, O/o Joint Director of Agriculture, Machilipatnam, Krishna District demanded her to pay a bribe amount of Rs.10,000/- for showing official favour i.e., to process the arrear bills, increment arrear bill, pay bills of the complainant and to forward the same to Treasury office. Smt.R. Divya Mani is working as Office Subordinate, O/o Joint Director of Agriculture, Machilipatnam, Krishna District. After joining from maternity leave she submitted a pay fixation option form to the office for pay revision and approached concerned establishment Section Office Superintendent Sri S.V.Ranga Rao, Establishment Section, O/o Joint Director of Agriculture, Machilipatnam, Krishna District and requested him for pay fixation and to process the arrear bills, increment arrear bill, pay bills of Smt. R. Divya Mani and to forward the same to Treasury office. Then, Sri S.V.Ranga Rao demanded Rs. 10,000/- as a bribe to process the arrear bills, increment arrear bills, pay bills of the complainant and forward the same to the Treasury Office, Machilipatnam through Joint Director of Agriculture, Machilipatnam, Krishna District. As Smt. R.Divya Mani is not willing to pay the bribe amount she came to the office of DSP, ACB, Vijayawada and presented a report on 22-03-2016 to DSP, ACB, Vijayawada with a request to take necessary action against Sri S.V.Ranga Rao, Office Superintendent, Establishment Section, O/o Joint Director of Agriculture, Machilipatnam, Krishna District.

That, after observing all legal formalities, the DSP, ACB, Vijayawada registered the complaint of the complainant as a case Cr.No.06/RCT-VKI/2016 under Section 7 (a) of the Prevention Of Corruption Act, 1988 on 24.03 2016 at 11.00 hours and took up investigation.

Consequently on 24.03.2016 Sri S.V. Ranga Rao, Office Superintendent, O/o Joint Director of Agriculture, ACB officials, successfully trapped Machilipatnam, when he further demanded and accepted the bribe amount of Rs. 10,000/- from Smt. Divya Mani, for showing the above said official favour.

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During post trap proceedings, on the request of the DSP, ACB, Sri S.V.Ranga Rao produced the appointment file of Smt. R. Divya Mani consisting of 142 sheets. On perusal of the sheet No.138, it is the option form of Smt. R. Divya Mani for exercising option under the Revised Pay Scales, 2015. On the right side margin of the sheet the signature of the Joint Director of Agriculture is found along with stamp dt: 20-8-2015. Sheet No 139 and 140 are the proceedings of Joint Director, FAC, Sri N.CH Balu Naik dt:6-9-2015 and some corrections were made with green ink on the above proceedings. Sheet Nos.141&142 are the Proceedings of Joint Director Sri U.Narasimha Rao, dated: nil-03-2016 under which the office stamp of Joint Director of Agriculture was found without signature.

Further, another file consisting of 42 sheets is the Leave file of class-4 employees, O/o Joint Director of Agriculture, Machilipatnam, in which the Sheet Nos. 20 to 27 pertains to the sanction proceedings of Joint Director sanctioning Maternity leave to Smt. Divya Mani.

The DSP seized the said two files for the purpose of further investigation after duly signed by the Mediators and the DSP, during investigation, it is observed that circulation of relevant file pertaining to Smt. Divya Mani regarding Pay fixation as per Revised Pay Scales and PRC bills has been kept pending from 08-09-2015 to 04-03- 2016.

During post trap proceedings, when examined by the DSP, ACB, the Government Servant, who is incharge of the service matters of class-IV employees stated that in the month of August, 2015, she submitted the PRC optional forms pertaining to Smt. Divya Mani to the I/c Joint Director Sri Balu Naik and after obtaining his approval, she processed the file manually and submitted the file to the Administrative Officer through the then I/c. Superintendent Sri Rajendra Prasad on 08.09.2015. But Smt. M.Lakshmi, Administrative Officer found certain discrepancies in that file and returned the same to the GS for compliance of Smt.Lakshmi's instructions on the same day ie., 08-09-2018. She further stated that since the pay fixation and PRC bills were not admitted online, she kept the file pending with her (for almost 6 months) and finally on 4-3-2016 she complied with the observations made by the Administrative Officer, prepared fresh proceedings and submitted the entire file to the Supdt Sri S.V.Ranga Rao (A.O) on the same day for processing the file.

The following Witnesses, in their statements, have also confirmed that the file of Smt. Divya Mani was pending with the Government Servant from 08.09.2015 to 04.03.2016.

1. Smt. Rapuri Divya Mani: - She is the complainant and speaks about the contents of her complaint dated: 22-03-2016 submitted to the DSP, ACB, Vijayawada Range, Vijayawada and also speaks about the contents of Mediators Report-I and II, dated: 24-03-2016 to the extent concerning to her. The statement of the complainant Smt. Rapuri Divya Mani, was got recorded u/s 164 Cr.Pc by the Hon'ble I Metropolitan Magistrate, Vijayawada on 23-04-2016 and he fared well.

2. Sri Remalli Babu Rajendra Prasad: - He is working as Senior Assistant, A-1 clerk, Establishment Section, O/o Joint Director of Agriculture, Machilipatnam, since 23-11-2011. He further stated that i.e., on 24-3-2016 at about 16.10hrs while he is attending his duties in his seat, he noticed Smt R. Divya Mani came to the seat of Office Superintendent Sri Venkata Ranga Rao and went out of the office after having a chat with him. Immediately some persons rushed into the office staff room by introducing themselves as ACB officials. He stated about the witnessing the chemical test conducted on the fingers of the A.O which yielded positive result and recovery of tainted amount from the possession of the A.O etc. facts. He further stated that he did not notice what had happened between them as he is busy in attending his office work. He further stated that while he was acting as in charge Superintendent of Establishment from 18-8-2015 to 5-2-2016 and in the month of September, 2015, Smt. Md. Nilofar, A3 clerk submitted the Pay fixation file pertaining to Smt. R. Divya Mani and accordingly he processed the file and forwarded the same to the Administrative officer Smt. M. Lakshmi for further process.

(P.T.O)

3. Smt. Muthevi Lakshmi :- She is working as Administrative officer from 25-8-2013. She further stated that i.e., on 24-3-2016 at about 16.15 hrs while she was present in chamber she noticed some noise in the staff room and she came out and noticed some group of people surrounded the Office Superintendent Sri S.V Ranga Rao. Later she came to know that they are ACB officials and Sri Venkata Ranga Rao, Establishment Section, Office Superintendent was caught red handed by the ACB officials when he demanded and accepted the bribe amount of Rs.10,000/- from Smt. R. Divya Mani, Office Sub Ordinate for processing her PRC arrears and salary bills file. She further stated that in the month of September, 2015 she received the Pay fixation proposals of Smt R. Divya Mani through the then I/c, Superintendent Sri Rajendra Prasad, but she returned the same to the concerned A3 clerk Smt. Nilofar for compliance as she found some discrepancies. She further stated that till date the said file has not reached her table after compliance.

4. Sri Upputuri Narasimha Rao:- He is working as Joint Director Agriculture, Krishna, Machilipatnam from 11-1-2016. He speaks about the procedural aspects and that in August, 2015 Smt R.Divya Mani submitted option forms for payment of PRC arrears. But so far the PHC file was not processed and put up to him for approval and signatures on the sanction proceedings. It is also noticed that in September 2015 certain corrections were noted by the Administrative officer on the copy of pay fixation proceedings prepared by the A3 Clerk (Smt. Md. Nilofar). It is also noticed that the A3 clerk carried out the remarks and prepared the fresh proceedings and put her initial dated: 4-3-2016. As she completed the process, Superintendent Sri S. V Ranga Rao has to process the file and forward the file to the Administrative officer for onward transmission of the same to him through the Deputy Director. But he does not know the reason why the Superintendent Sri S.V Ranga Rao kept the file with him since 4-3-2016 without processing and forwarding the same to the Administrative officer etc. facts.

5. Sri Nenavath Chinna Balu Naik- He is working as Deputy Director of Agriculture, AGRONOMY, Machilipatnam from 28-8-2009. He speaks about the perusal of files to be shown to him by the DSP. His observations, not receiving the file back after a process for his approval and onward transmission of the same to the Joint Director, recovery of file from the position of the A.O etc facts.

During the investigation the pending bills of Smt. Divya Mani were sent to her on 08.09.2015 by the Administrative Officer for compliance with certain observations, G.S kept that file pending with her for almost six months, GS resubmitted that file to Sri Sunkara Venkata Ranga Rao, S/o Late Ramana Rao, 48 years, Office Superintendent, Establishment Section, Joint Director of Agriculture, Machilipatnam, Krishna District after compliance of the said observations only 04.03.2016. This aspect was also confirmed from the relevant documentary as well as oral evidence furnished by some other wittiness. Thus, she committed utter negligence in duty and violation of Rule 3(1) & 3(2) of AP Civil Services (Conduct) Rules, 1964.

Thus, the Government Servant, Smt. Mohammed Nilofar, Junior Assistant, Establishment Section, A3 Clerk, O/o Joint Director of Agriculture, Machilipatnam by her above mentioned acts has exhibited a lack of integrity, devotion to duty and conduct unbecoming of a Government servant and brought down the prestige of the Government and thereby contravened Rule 3(1)(& 3(2) of AP Civil Service (Conduct) Rules, 1964.

Sd/- Gopal Krishna Dwivedi
CHIEF COMMISSIONER, RBKs &
SPECIAL CHIEF SECRETARY TO GOVERNMENT

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ANNEXURE-III

LIST OF DOCUMENTS BY WHICH ARTICLES OF CHARGE FARMED AGAINST SMT. MOHAMMED NILOFAR, THE THEN JUNIOR ASSISTANT, ESTABLIMENT SECTION, A3 CLERK, O/o JOINT DIRECTOR OF AGRICULTURE, MACHILIPATNAMA, KRISHNA DISTRICT ARE PROPOSED TO BE SUSTAINED.

DOCUMENTARY EVIDENCE:-

1) Copy of Complaint dated: 22.03.2016 given by the complainant:

It reveals the facts of the demand of bribe amount of Rs. 10,000/- by the AO for doing an official favour.

2) Copy of FIR in Cr.No.08/RCT-ACB-VJA/2016, dated: 24-03-2016:

It reveals that a report was received from the complainant about the demand of bribe and registration of the case against the A.O.

3) Copy of Mediators Report-I drafted in the office Room of DSP, ACB, Vijayawada Range on 24-03-2016:

It reveals pre-trap happenings, dated: 24.03.2016.

4) Copy of Mediators Report-II:-It reveals post-trap happenings dated 24-03-2016:

5) Copy of Attendance Register.

6) Copy of Made up file-1: Attested compassionate appointment file of Smt. R.Divya Mani, Office Subordinate, O/o Joint Director of Agriculture, Machilipatnam and Krishna District

7) Copy of Made up file-2: Attested Leave file of class-IV employees, O/o JDA, Machilipatnam, Krishna District 1 to 42 sheets.

Sd/- Gopal Krishna Dwivedi
CHIEF COMMISSIONER, RBKs &
SPECIAL CHIEF SECRETARY TO GOVERNMENT

// FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE –IV

LIST OF WITNESSES BY WHOM ARTICLES OF CHARGE FARMED AGAINST SMT.MOHAMMED NILOFAR, THE THEN JUNIOR ASSISTANT,ESTABLIMENT SECTION, A3 CLERK, O/o JOINT DIRECTOR OF AGRICULTURE, MACHILIPATNAMA, KRISHNA DISTRICT ARE PROPOSED TO BE SUSTAINED.

ORAL EVIDENCE :

The following oral evidence is available on record.

S. No.	Name of the Witness	Evidence to be adduced
1.	Smt. Rapuri Divyn Mani W/o R.D. Victor Paul, 26 years, Office Subordinate, O/o Joint Director of Agriculture, Machilipatnam, Krishna District.	To speak to the facts of her complaint, demand and acceptance of bribe amount of Rs.10,000/ by Sri S V Ranga Rao, her participations in pre and post-trap proceedings and to corroborate her statement given under section 161 & 164 Cr.PC., etc., facts
2.	Sri Remali Babu Rajendra Prasad, S/o Lakshmi Narayana, 47 years, Senior Anst, A-1 clerk, Establishment Section, O/o Joint Director of Agriculture Machilipatnam, R/o D.NG. 1-96. Kornipadu (V), Pedaparupudi (M) Krishna District.	To speak to the facts as per the job chart he is looking after the service matters of Gazetted officer and RTI Act correspondence and his presence at the time of the trap etc., facts.
3.	Smt. Muthevi Lakshmi, W/o Chamarthi Venkateswara Rao, 56 years, Administrative officer, O/o Joint Director of Agriculture, Machilipatnam, R/o D.No. 17/496-1, Englishpalem, Machilipatnam	To speak to the facts of her knowledge about the complainant's bill and procedural aspects etc. facts.
4.	Sri Upputuri Narasimha Rao, S/o Ramadasu, 54 years, Joint Director of Agriculture, Krishna, Machilipatnam, R/o D.No.11/112, Chemmanagiripeta, Machilipatnam.	To speak to the facts of, he is Joint Director and speak about the Lw.1 bills, procedural aspects etc. facts.
5.	Sri Nenavath Chinna Balu Naik, S/o Base Naik, Raghavendra Rao, 43 years, Deputy Director of Agriculture, D.No.67-4-6, Patamata, Ramalayam Street Vijayawada, Krishna District	To speak to the facts of, he is Deputy Director of Agriculture and speak about the Lw.1 bills procedural aspects etc. facts.
6.	Sri V. Gopala Krishna, Dy. Superintendent of Police, ACB, Vijayawada Range, Vijayawada.	To speak to the facts of, receipt of the complaint from the complainant on 22-03-2016 and getting it verified, registration of F.I.R. on 24-03-2016, lying of trap, investigation and arrest of AO, and facts revealed during investigation etc., facts.
7.	Sri B. Srinivas, Deputy Superintendent of Police, Anti-Corruption Bureau, Vijayawada Range, Vijayawada	To speak to the facts of, his conducting further investigation, and prepared DACs etc., facts.

Sd/- Gopal Krishna Dwivedi
CHIEF COMMISSIONER, RBKs &
SPECIAL CHIEF SECRETARY TO GOVERNMENT

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